

STATE OF NEW YORK

COUNTY OF WASHINGTON

FORT EDWARD VILLAGE BOARD OF TRUSTEES

IN THE MATTER OF A PROCEEDING UNDER NEW YORK  
VILLAGE LAW SECTION 8-804 AND CIVIL SERVICE LAW  
SECTION 75 FOR DISCIPLINE

OF

STATEMENT OF  
CHARGES

ROBERT N. PHILLIPS, JR.

---

THE BOARD OF TRUSTEES OF THE VILLAGE OF FORT EDWARD, upon  
information and belief, charges and alleges as follows:

1. That at all times hereinafter relevant, Robert N. Phillips, Jr. [hereinafter referred to as  
"Respondent"], was and is a duly appointed, full time member of the Fort Edward Village Police  
Department, serving in the position and capacity of Chief of Police.

2. That at all times hereinafter relevant, Respondent was and is subject to the rules and  
regulations for the government, direction, management and discipline of the Police Department  
of the Village of Fort Edward, New York, adopted by the Fort Edward Village Board of Trustees  
on April 7, 1980, a copy of which is annexed hereto as Exhibit "1" and made a part hereof.

3. That Respondent herein is charged with incompetent, unprofessional, inept and/or  
inefficient performance of his duties and misconduct as the Chief of the Fort Edward Village  
Police Department, in violation of the Rules and Regulations of said Department, as set forth in  
the following specifications.

#### FIRST SPECIFICATION

4. Respondent is charged with incompetent, unprofessional, inept and/or inefficient performance of his duties and misconduct as the Chief of Police of the Fort Edward Village Police Department in connection with his unlawful behavior and conduct towards one, Karen A. Prevost, on January 1, 2005, in that:

(a) Respondent did, on said date, during the course of an argument with the said Karen A. Prevost, threaten numerous times to kill the said Karen A. Prevost and to "slit [her] fucking throat", for which conduct the respondent was found guilty of Harassment in the Second Degree in violation of Section 240.26(1) of the New York State Penal Law. Said conduct serves to bring discredit upon the Fort Edward Village Police Department, violates Sections 1.01, 1.02 and 1.04 of the Rules and Regulations of the Fort Edward Village Police Department, and constitutes an act of delinquency seriously affecting Respondent's general character and/or fitness for office.

#### SECOND SPECIFICATION

5. Respondent is charged with incompetent, unprofessional, inept and/or inefficient performance of his duties and misconduct as the Chief of Police of the Fort Edward Village Police Department, in that:

(a) Respondent did, while on duty on the days of October 26-29, November 1, 2, 8, 9, 10, 15, 19 and 30 and December 6, 8, 14, 15, 19 and 30, 2004, use the computer and internet service of the Fort Edward Village Police Department for personal use to visit and view internet web sites displaying sexually graphic and explicit images and text. Said conduct serves to bring discredit upon the Fort Edward Village Police Department, violates Sections 1.01, 1.02, 1.06,

1.11 and 1.42 of the Rules and Regulations of said Department, and constitutes an act of delinquency seriously affecting Respondent's general character and/or fitness for office.

### THIRD SPECIFICATION

6. Respondent is charged with incompetent, unprofessional, inept and/or inefficient performance of his duties and misconduct as the Chief of Police of the Fort Edward Village Police Department, in that:

(a) Respondent did, while on duty on December 4, 2004 and while participating both as the coordinator of the New York State Municipal Police Basic Training School sponsored by the Fort Edward Village Police Department and as an enrollee in the Standardized Field Sobriety Testing Class of said School, engage in conduct towards, and with, one Adrienne Turner (a community volunteer participant in said class) which was verbally and physically flirtatious, sexually suggestive and provocative (including, without limitation, petting, touching, dancing and the lowering of Ms. Turner's pants to expose and display her pubic hair) and morally and ethically inappropriate; which conduct took place in the presence and view of one or more student police officers who were in attendance at said School;

(b) Respondent did, while off duty after the aforementioned Standardized Field Sobriety Testing Class, accompany the said Adrienne Turner to one or more bars in or near the Village of Fort Edward, where the Respondent and Ms. Turner consumed alcoholic beverages, became intoxicated and continued to engage in verbally and physically flirtatious, sexually suggestive and provocative behavior. Later that evening, while riding in the back seat of a car driven by Officer Kristen Frasier -- a participant in the Training School being hosted by the Respondent



and a personal friend of Adrienne Turner -- the Respondent engaged in kissing, petting and other sexually explicit behavior.

Respondent's conduct, as aforementioned in subparagraphs (a) and (b) serves to bring discredit upon the Fort Edward Village Police Department, violates Sections 1.01, 1.02 and 1.03 of the Rules and Regulations of said Department, and constitutes an act of delinquency seriously affecting Respondent's general character and/or fitness for office.

#### FOURTH SPECIFICATION

7. Respondent is charged with incompetent, unprofessional, inept and/or inefficient performance of his duties and misconduct as the Chief of Police of the Fort Edward Village Police Department, in that:

(a) Respondent, while off duty and a patron at the Good Times Bar in Hudson Falls, New York in or about February of 2005, did display his official business card to a female patron of said establishment in an effort to impress said person and influence her to accept a date with Respondent, which conduct occurred in the presence of, and was observed by, a lower ranking member of the Fort Edward Village Police Department. Said conduct serves to bring discredit upon the Fort Edward Village Police Department, violates Sections 1.01, 1.02 and 1.21(A) of the Rules and Regulations of said Department, and constitutes an act of delinquency seriously affecting Respondent's general character and/or fitness for office.

#### FIFTH SPECIFICATION

8. Respondent is charged with incompetent, unprofessional, inept and/or inefficient

performance of his duties and misconduct as the Chief of Police of the Fort Edward Village Police Department, in that:

(a) Respondent did, in or about early April of 2005, make statements to a reporter for the Post Star newspaper which were critical of the Fort Edward Village Police Department or its officers; including, without limitation, statements to the effect that other members of the Department had stabbed the Respondent in the back, had made up lies and rumors about the Respondent, had demonstrated that they could not be trusted by the Respondent, and were motivated to harm the Respondent because they desired his job. Said conduct serves to bring discredit upon the Fort Edward Village Police Department, violates Sections 1.01, 1.02 and 1.30 of the Rules and Regulations of said Department, and constitutes an act of delinquency seriously affecting Respondent's general character and/or fitness for office.

WHEREFORE, complainant respectfully requests that a hearing of the above specified charges be held by the Honorable Michael J. Muller, a Hearing Office designated by the Board of Trustees of the Village of Fort Edward pursuant to Section 8-804 of the New York Village Law and Section 75 of the New York State Civil Service Law; that Respondent's guilt or innocence of said charges be determined at said hearing; that upon the conclusion of said hearing, the Hearing Officer prepare and deliver to the Board of Trustees a written statement of his findings and conclusions and that, if Respondent be found guilty of one or more of such charges, that said statement include the Hearing Officer's recommendations for the imposition of an appropriate sanction to be imposed upon the Respondent pursuant to Section 75(3) of the New York State

Civil Service Law and Section 8-804 of the New York Village Law.

DATED: Fort Edward, New York  
July 5, 2005

FORT EDWARD VILLAGE BOARD OF  
TRUSTEES

BY: Matthew Traver, Mayor  
Matthew Traver, Mayor

BY: J. Williams, Trustee  
Trustee

BY: John Bonhef, Trustee  
Trustee

BY: John W. Wilkey, Trustee  
Trustee

BY: Richard Forte, Trustee  
Trustee

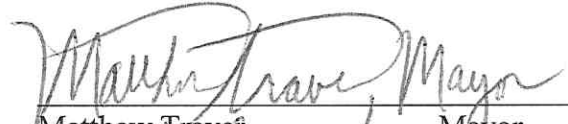
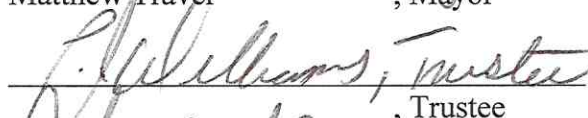
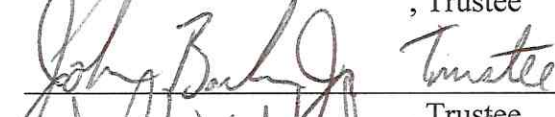



BY: David Smith  
Trustee

CLERK - TREASURER

VERIFICATION

STATE OF NEW YORK                    )  
  )ss.:  
COUNTY OF WASHINGTON            )

We, the undersigned, being duly sworn, do depose and say that we are the duly elected and constituted Board of Trustees of the Village of Fort Edward, the complainant in the above-entitled proceeding; that we have read the foregoing Statement of Charges and know the contents thereof; that the same are true to our knowledge, except as to those matters therein stated to be alleged upon information and belief, and as to those matters, we believe them to be true.

  
Matthew Traver, Mayor  
  
J. Williams, Trustee  
  
John B. [unclear], Trustee  
  
[unclear], Trustee  
  
Richard Forte, Trustee  
  
David Smith, Trustee  
Clerk: TRESVICK

Sworn to before me this  
5th day of July, 2005.

  
\_\_\_\_\_  
Notary Public

F:\DATA\Municipal\fort edward\VEE v Phillips\Notice of Hearing.wpd

**MICHAEL J. CATALFIMO**  
NOTARY PUBLIC, STATE OF NEW YORK  
RESIDING IN SARATOGA COUNTY  
COMMISSION EXPIRES MARCH 31, 2006

**CATALFIMO & CATALFIMO**  
ATTORNEYS AT LAW  
18 HILL STREET  
P. O. BOX 184  
GREENWICH, NY 12834  
TELEPHONE (518) 692-9645